UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,769	12/29/2003	Brian Joseph Ewanchuk	3382-66848-01	8221

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EXAMINER
HIGA, BRENDAN Y

ART UNIT	PAPER NUMBER
2453	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/748,769	EWANCHUK ET AL.
	Examiner	Art Unit	
	BRENDAN Y. HIGA	2453	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 January 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *7-11 and 18-24* is/are pending in the application.

　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *7-11 and 18-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　a)☐ All b)☐ Some * c)☐ None of:

　　1.☐ Certified copies of the priority documents have been received.

　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR

1.17(e) has been timely paid, the finality of the previous Office action has been

withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 13, 2009

has been entered.

Claims 7-11 and 18-24 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

Claim 7, recites "receiving from a first application, a first request, <u>in</u> a connection

manager, for a connection to a remote resource". It is indefinite since the first

application is not disclosed in the specification as being within the connection manager,

thus it is unclear how the first request is received in the connection manager.

The examiner would therefore recommend rewording the claim to read *"receiving from a*

first application, a first request, [[in]] <u>at</u> a connection manager..." and similarly

"receiving, [[in]] <u>at</u> the connection manager, a second request from a second application

for connection to the same remote resource as the first application..." in line 7.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claim 7, 8, 18, 19, 21, 22, 23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Microsoft, Windows Sockets 2 Service Provider Interface,

Revision 2.2.2, 7 August 1997 (hereinafter "Winsock 2.2.2"), in further view of

Gase (US 6,363,081).

As per claims 7, 18 and 21, Winsock 2.2.2 teaches:

receiving, from a first application, a first request, in a connection manager, for a

connection to a remote resource (see §2.10. "Shared Sockets", wherein at least one

process is responsible for creating sockets and establishing connections, read as a

connection manager, also see §4.53. **WSASocket()**, which is the Winsock commands

for establishing a socket connection);

upon receiving the first request for connection, creating the connection between the first

application and the remote resource when the connection is not already established

(see again, §4.53. **WSASocket()**, which establish a socket connection when one is not

yet created)

receiving, in the connection manager, a second request from a second application for

connection to the same remote resource as the first application (§4.29.

WSADuplicateSocket(), which is a command that allows an underlying socket to be

shared by creating a virtual socket), the first application, the second application and the

connection manager all being located on a same computer (i.e. "interprocess

communications (IPC) mechanism", §4.53, which is used in Windows to describe

communication between applications on a single computer, see "Interprocess

Communications", http://msdn.microsoft.com/en-us/library/aa365574(VS.85).aspx);

sharing the connection to the remote resource between the first application and the

second application (see §2.10. "Shared Sockets");

receiving a request for a disconnection from a remote resource (see §2.10,

closesocket(), read as a request for a disconnection from a remote resource);

disconnecting the connection upon a disconnection request when the deleted identifier

is the last identifier of a request for a connection in the data structure and when the

deleted identifier is not the last identifier, maintaining the connection. (see §2.10 "A

process may call **closesocket()** on a duplicated socket and the descriptor will become

deallocated [read as deleting from a data structure, an identifier of the request for

disconnection]. The underlying socket, however, will remain open until **closesocket()** is

called with the last remaining descriptor [read as disconnecting the connection upon a

disconnection request when the deleted identifier is the last identifier of a request for a

connection in the data structure and when the deleted identifier is not the last identifier,

maintaining the connection].")

As per claims 7, 18 and 21 Winsock 2.2.2 does not expressly teach saving in a

data structure, an identifier (i.e. "the descriptor") of the first request for a connection;

and deleting from the data structure, an identifier of the request for the disconnection;

However, storing descriptor information within a data structure would have been

obvious to one of ordinary skill in the art. For example, Gase (US 6,363,081) teaches a

similar system for sharing a connection between multiple processes (i.e. secondary

applications), wherein information identifying the secondary application are stored within

distribution list (read as a data structure, see col. 3, lines 38-45).

One of ordinary skill in the art would have been motivated to store an identifier of

the processing sharing the contested socket in the teachings of Winsock 2.2.2, the

motivation for doing so would have been to benefit from the organization efficiency

inherent to a data structure, such as the distribution list in the teachings if Gase (US

6,363,081).

As per claims 8 and 19, Winsock 2.2.2 further teaches removing an identifier of a

request for a connection from the data structure after a period of time after the request

is made if a process associated with the identifier has terminated (see §2.10 "A process

may call **closesocket()** on a duplicated socket and the descriptor will become

deallocated", wherein some period of time inherently elapses between the time the

process terminates with a closesocket() request and when the descriptor is deallocated,

read as removing an identifier of a request for a connection form the data structure)

As per claims 22 and 23, Winsock 2.2.2, further teaches wherein the requests are

received by an operating system located on the client computer through an application

program interface (i.e. "Windows Sockets 2 Application Programming Interface, An

Interface for transparent network programming under Microsoft Windows [Operating

System]", see title).

Claims 9-10 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Microsoft, Windows Sockets 2 Service Provider Interface, Revision 2.2.2, 7

August 1997 (hereinafter "Winsock 2.2.2"), in view of Gase (US 6,363,081), in

further view of Stone (US 5,802,304).

As per claim 9, Winsock 2.2.2 does not expressly teach wherein and the remote

resource is a web server.

As per claims 10 and 24, wherein the connection is a dial-up connection between a

modem and an Internet service provider.

However, in the same art of network communications, Stone teaches establishing a

dial-up connection to a web server via a modem and an internet service provider over

Microsoft Window sockets API (see col. 1, lines 14-34, col. 2, lines 25-60 and col. 3,

lines 9-51).

A person of ordinary skill in the art would have been motivated to modify the teachings

of Winsock 2.2.2 with the teachings of Stone. The motivation for doing so would have

been to provide internet access for dial-up users.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft,

Windows Sockets 2 Service Provider Interface, Revision 2.2.2, 7 August 1997

(hereinafter "Winsock 2.2.2"), in view of Gase (US 6,363,081), in further view of

Morris et al. (US 7,069,333).

As per claim 11, Winsock 2.2.2 further teaches the method having plural application

sending the connection request and communicating with remote resources over the

connection (see §2.10. "Shared Sockets").

However, Winsock 2.2.2 does not describe the device as being a wireless device.

Nevertheless, Morris teaches a wireless device using a Winsock based communication

network for establishing an internet connection (see col. 22, line 64 - col. 23, line 8).

A person of ordinary skill in the art would have been motivated to modify the teachings

of Winsock 2.2.2 with the teachings of Morris. The motivation for doing so would have

been to provide internet connectivity to a wireless device.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft,

Windows Sockets 2 Service Provider Interface, Revision 2.2.2, 7 August 1997

(hereinafter "Winsock 2.2.2"), in view of Gase (US 6,363,081) ("Gase"), in further

view of Hong et al. (US H2065 H) ("Hong").

As per claim 20, Winsock 2.2.2 does not expressly teach periodically removing

identifiers of processes from the stored identifiers when the processes have terminated

without requesting a disconnect.

However, in the same art of network communications, Hong teaches a system for

disconnecting a socket connection when there is no activity on the corresponding

connection (see col. 7, lines 42-55).

A person of ordinary skill in the art would have been motivated to modify the teachings

of Winsock 2.2.2 with the teachings of Hong. The motivation for doing so would have

been to reduce the burden on computer resources required for maintaining any inactive

connections.

Response to Arguments

Applicant's arguments filed January 13, 2009, with respect to claims 7-11 and 18-24

have been fully considered but are moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to BRENDAN Y. HIGA whose telephone number is

(571)272-5823. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brendan Y Higa/
Examiner, Art Unit 2453

/ARIO ETIENNE/
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